IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1334 OF 2006
WITH
CIVIL APPLICATION NO. 664 OF 2006

Navin Navalbihari Verma ..Petitioner

Vs.

Snehal Agro Products Pvt. Ltd. and anr. ..Respondents

Mr. A.A. Joshi with Mr. Yogesh Thakur i/by M/s. L.J. Law for petitioner.

Mr. S.V. Gavand for respondent nos.1,2 and 4.

Mr. Bimal Bhabhade h/f M/s.Apte and Co. for respondent no.3.

CORAM: B.H. MARLAPALLE, J.

Date : August 1, 2006.

P.C.:

1. Heard the learned counsel for the respective parties.

2. The petitioner is the plaintiff in Regular Civil Suit No.67 of 2004 which has been filed for the declaration that the power of attorney executed in favour of the defendant no.4 be declared as null and void and it is contended by the plaintiff that when the said power of attorney was specifically for the

transaction to be finalised with defendant no.3, the defendant no.4 without any authority in law has completed the transaction of sale in respect of the suit property with defendant nos.1 and 2. The trial court allowed the said application for injunction at Exh.5 vide order dated 29/6/2005. The defendants challenged the said order in Civil Misc. Appeal No.60 of 2005 and while allowing the said appeal by his judgment and order dated 20/12/2005 the learned District Judge, Raigad at Alibag held that prima facie the possession of the suit property was received by the defendant nos.1 and 2.

3. The plaintiff contends that when the power of attorney given to defendant no.4 did not empower him to enter into any transaction with defendant nos.1 and 2 there is no question of handing over of suit property to the said defendants. As against this, the learned counsel for the defendant no.3 states that pursuant to the agreement for sale signed in his favour by the defendant no.4 on behalf of the plaintiff the possession of the suit property was handed over to defendant no.3 who, in turn, has been a confirming party to the sale transaction between

defendant no.4 on one hand and defendant nos.1 and 2 on the other hand. Both the parties claim to be in possession of the suit property as at present.

4. It would be appropriate that pending suit is decided expeditiously and, therefore, the petition is disposed off by directing that Regular Civil Suit No.67 of 2004 shall be heard and decided by the learned Civil Judge, Junior Division at Karjat on its own merits as expeditiously as possible and preferably by 31st May, 2007. During the pendency of the suit, the parties to maintain status quo in respect of the suit property as at present.

5. In view of the above, C.A. No.664 of 2006 does not survive and shall stand disposed as such.

(B.H. Marlapalle,J.)